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January 4, 2022

VIA ECF

Honorable Ann M. Donnelly
United States District Court
Eastern District of New York
225 Cadman Plaza East, Courtroom 4GN
Brooklyn, New York 11201

Re: *CNS Partners, Inc. v. City of New York, et al.*, No. 1:22-cv-00037-AMD-CLP

Judge Donnelly:

I represent Plaintiff CNS Partners, Inc. d/b/a Cornerstone Realty (“Cornerstone Realty”) in the above-referenced action. I write pursuant to Your Honor’s January 4, 2022, Order directing Cornerstone Realty to explain whether they intend to serve Defendants and why an Order to Show Cause (Dkt. No. 2) is necessary.

Cornerstone Realty served Defendants a copy of the Complaint (Dkt Nos. 1, 1-1, 1-2, 1-3), the Order to Show Cause (Dkt. No. 2), and the Memorandum of Law in Support of its Motion for a Preliminary Injunction and Temporary Restraining Order (Dkt. No. 2-1) via email shortly after filing the documents with the Court.

A Motion for Order to Show Cause is necessary because, as explained in the attached affidavit, Cornerstone Realty seeks emergency relief from Defendants’ Executive Order (the “DOHMH Order,” Dkt. No. 1-2), which requires Plaintiff and other private businesses across New York City to verify its employee’s proof of COVID-19 vaccination. Cornerstone Realty is a real estate business that employs thirteen qualified real estate agents. By enforcing the DOHMH Order, Cornerstone Realty—along with similarly situated businesses across New York—will be essentially forced to terminate its agents, causing irreparable damage to its business.

Respectfully Submitted,

s/ Mark J. Fonte

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cc: Counsel of Record (via ECF)